

Index of Proposed Title 40 Updates

No.	Title/Chapter/ Section	Description
	40.510.040 Type IV Process – Legislative Decisions	
1	40.510.040(A) Decision	Added new text to clarify scope of Type IV review process to include periodic comp plan updates, annual updates (e.g., property-owner annual reviews and county-initiated dockets; development regulations, and Shoreline Master Program updates)
2	40.510.040(B) Process	<p>40.510.040(B)(1): Added new text to clarify and define scope of Type IV legislative process pursuant to RCW 36.70A.035</p> <p>40.510.040(B)(2): Moved existing text from the old “40.510.040(E). Appeal of Board’s Decision”. Changed the word “land use petition” to “appeal”.</p> <p>40.510.040(B)(3): Added new text pursuant to Home Rule Charter.</p>
3	40.510.040(C) Procedure	<p>40.510.040(C)(1): Moved existing text from the old “A. Procedure” section and clarified.</p> <p>40.510.040(C)(2): Added new text to clarify scope of Planning Commission review pursuant to RCWs and Title 40.510.040(H).</p>
4	40.510.040(D) Staff Report	40.510.040(D)(1): Moved and reformatted existing text from the old 40.510.040(C), and added new text to clarify existing practice of posting the staff report on county website.
5	40.510.040(E) Public Notice	<p>40.510.040(E)(1) and 40.510.040(E) (2): Moved and reformatted existing text from the old 40.510.040 (B). This section was divided into two subsections: one for site-specific requests and one for county-initiated requests.</p> <p>40.510.040(E)(1)(b)(4): For site-specific requests, added new text for public noticing requirements (within 300 ft and 500 ft of the subject property for inside and outside Urban Growth Boundary, respectively), originally from 40.510.030(E)(3)(a)(3)(a).</p>
6	40.510.040(F) Planning Commission Hearings	<p>Moved and reformatted existing text from the old 40.510.040(D)(1) and 40.510.040(D)(2). This section was divided into two subsections (F and G): one for Planning Commission hearings and one for Council Hearings.</p> <ul style="list-style-type: none"> • 40.510.040(F)(2)(a) adds new text regarding posting the PC recommendation to the county website within 3 business days following the hearing; • 40.510.040(F)(2)(b) adds new text regarding requirement for majority vote of total members of the commission pursuant to Planning Commission bylaws.

		<ul style="list-style-type: none"> 40.510.040(F)(2)(c) adds new text regarding continuation of Planning Commission hearing past 10 pm pursuant to Planning Commission bylaws.
7	40.510.040(G) Council Hearings	<p>Moved and reformatted existing text from the old 40.510.040(D)(1) and 40.510.040(D)(2). This section was divided into two subsections (F and G): one for Planning Commission hearings and one for Council Hearings.</p> <p>40.510.040(G)(1): Moved and reformatted existing text from the old 40.510.040(D)(1).</p> <p>40.510.040(G)(2): Added new text regarding 60-day notification to Commerce pursuant to WAC.</p> <p>40.510.040(G)(3): Moved existing text from the old 40.510.040(D)(3) and the new 40.510.040(E) to codify existing practice of public noticing for council hearings.</p>
8	40.510.040(H) Interim Actions, Moratoria, and Emergencies.	Added new text to codify current practices for interim actions, moratoria, and emergencies.
	40.560 Plan and Code Amendments	
9	40.560.010(A) Purpose	<p>40.560.010(A)(1): Added new text to clarify purpose statement that was originally in 40.560.010(A).</p> <p>40.560.010(A)(2): Deleted purpose statement. Revised existing text to remove provisions that are not applicable.</p> <p>40.560.010(A)(3): Added new text pertaining to the Shoreline Management Plan pursuant to WAC.</p>
10	40.560.010(B) Applicability	<p>The first sentence is existing text that was moved from the old 40.560.010(D)(1) and clarified. Deleted redundancy in the first paragraph as it is covered in the numbered items.</p> <p>40.560.010(B)(6): Deleted the phrase “out of cycle amendments”</p> <p>40.560.010(B)(6)(a): Moved and clarified existing text from the old 40.560.010(Q).</p> <p>40.560.010(B)(6)(g): Added new text.</p>
11	40.560.010(C) Annual Review Cycle	<p>40.560.010(C)(2): Moved and clarified existing text from the old 40.560.010 (K)</p> <p>40.560.010(C)(3): Deleted because redundant with 40.560.010(C)(2)</p>
12	Old 40.560.010(D)	Deleted text and moved it to 40.560.040 Annual Review Process.
13	40.560.010(D) Government Coordination	Deleted text pertaining to other jurisdictions because the county code cannot regulate other jurisdictions.
14	40.560.010(E) Comp Plan	Edited the existing text

	Map Changes – General	
15	40.560.010(F) Criteria for All Map Changes	Edited the existing text
16	Old 40.560.010(H) Additional Criteria for Commercial Map Changes	Deleted this section because market analysis and transportation analysis are not criteria, but are submittal requirements. Moved market analysis and transportation analysis to the list of submittal requirements in 40.560.050(C)(2).
17	40.560.010(G) Additional Criteria for Rural Map Changes	<p>Divided existing text from old 40.560.010(I) into two subsections: one for Natural Resource Land Designation and one for Rural Centers.</p> <p>40.560.010(G)(1): Text was edited to comply with WAC 365-196-480(2) regarding de-designation of natural resource lands must be done on an area-wide basis.</p> <p>40.560.010(G)(2): Text was added to duplicate text from 40.560.010(G)(1) in order to separate this section into two subsections.</p> <p>40.560.010(G)(2)(d): Existing text from old 40.560.010(I)(1) was moved to address the split into two subsections.</p>
18	40.560.010(H) Additional Criteria for Rural Major Industrial Map Changes	<p>40.560.010(H): Deleted reference to expired RCW 36.70A.367 throughout this section.</p> <p>40.560.010(H)(4)(b): Deleted reference to concomitant rezone agreement and replaced it with Development Agreement per RCW36.70B.170.</p>
19	40.560.010(I) Additional Required Criteria Specific to Urban Holding Map Changes	<p>40.560.010(I)(1): Added text to clarify the process for removing UH as Type IV consistent with the comp plan.</p> <p>40.560.010(I)(2): Added text to refer to Chapter 40.350 regarding development agreements.</p> <p>Paragraph was deleted and moved to 40.560.010.C.2</p>
20	Old 40.560.010(L) Mixed Use Designation Zone Change Request	Deleted text because the 2016 Comp Plan removed inconsistencies between MX and MU (comp plan and zoning designations), making this section moot as it describes a process that is no longer needed.
21	40.560.010(J) Additional Required Criteria Specific to Urban Growth Area (UGA) Boundary Map Changes	<p>Edited for clarity.</p> <p>Old 40.560.010(J)(6): Deleted text because these items are not criteria used for this analysis.</p>
22	40.560.010(K)	Edited to remove redundancy and language no longer in the comp plan.
23	40.560.010(L) Arterial Atlas Amendments	Grammar edits.

24	40.560.010(M) Other Plan Map Amendment Categories	40.560.010(M)(3): Edited to remove redundancy. 40.560.010(M)(4): Deleted as this is regulated in state statutes. 40.560.010(M)(6): Added text to codify the current practice of updating the six (6) year Transportation Improvement Plan every year pursuant to RCW 36.81.121 and WAC 136-15-050.
25	Old 40.560.010(Q) Out of Cycle Amendments	Deleted this section and moved the text to 40.560.010.B.6 with some edits for clarification.
26	40.560.010(N) Siting of State and Regional Public Facilities of a Statewide Nature	Edited the grammatical structure of 40.560.010(N)(2)
27	40.560.010(O) Additional Criteria for Surface Mining Overlay Changes	Made grammar edits and updated reference to correct section of Title 40.
28	40.560.010(P) Cumulative Impact	Made grammar edit.
29	40.560.010(Q) Fees	40.560.010(Q)(1): Edited the grammatical structure and added correct Title 40 references. 40.560.010(Q)(2): Deleted this section as it is not current practice and fees are regulated in different section of code.
	40.560.020. Changes to Zoning Districts, and Code Amendments, Alterations	
30	40.560.020(A) Procedure	Edited for clarity to reflect current practice.
31	40.560.020(B) Application	40.560.020(B)(2): Deleted because this is codified under a different section of Code (Title 40.510.030 – Type III Process). Not relevant here.
32	40.560.020(C) Public Hearings	Edited for clarity to reflect current practice.
33	40.560.020(D) Record of Amendments	Edited for clarity.
34	40.560.020(E) Release of Concomitant Rezone Agreements	“A concomitant rezone agreement may be fully or partially released or modified by the County Council” (deleted hearing examiner per PC recommendation). “...provided, that if no development has occurred pursuant to a covenant entered into prior to January 1, 1995” (deleted July 1, 1980 per PC recommendation).
35	Old 40.560.020(F) Release of Concomitant Rezone Agreements	Deleted. Concomitant rezone agreement is replaced with the term Development Agreement per RCW36.70B.170.
36	40.560.020(E) Approval Criteria	No change.
	40.560.030 Amendments Docket	
37	40.560.030(A) Purpose	Re-title; no change.
38	40.560.030(B) Definitions	Added definition for “docket”
39	40.560.030(C) Method of Review	Grammar edits.
40	40.560.030(D) Council	Grammar edits.

	Determination	
	40.560.040. Annual Review Process	
41	A. Pre-Application Review	New section added to clarify current practice and codify it in Type IV process. Adapted from Type III practice in 40.510.030
42	B. Review for Counter Complete Status	New section added to clarify current practice and codify it in Type IV process. Adapted from Type III practice in 40.510.030
43	C. Review for Fully Complete Status	Modified submittal dates to ensure completion by March 14 deadline. Provides two additional submittal opportunities subsequent to the initial January 31 submittal deadline.
44	D. County Staff Review Process	New section added to clarify current practice and codify it in Type IV process. Adapted from Type III practice in 40.510.030
45	E. Public Hearings	New section added to clarify current practice and codify it in Type IV process. Adapted from Type III practice in 40.510.030
46	F. Adopting Ordinance	New section added to clarify current practice and codify it in Type IV process. Adapted from Type III practice in 40.510.030